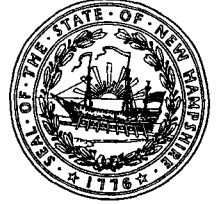




State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



LETTER OF DEFICIENCY
WET 2004-66

October 1, 2004

Gary Sheehan
1056 Center St
Ludlow, MA 01056

RE: DES Wetlands File #2000-02212 Moultonborough Tax Map 81, Lot 59

Dear Mr. Sheehan:

On August 23, 2004, personnel from the New Hampshire Department of Environmental Services conducted a field inspection on property you own in Moultonborough, NH, identified as Town of Moultonborough Tax Map 81, Lot 59 (the "Property"). The purpose of the inspection was to determine whether the Property is in compliance with RSA 482-A, RSA 482-B, Rules Env-Ws 1400, the NH Code of Administration and Rules Wt 100-800 and the Wetlands and Non-Site Specific Permit #2000-2563 (the "Permit").

During the inspection the following deficiencies were documented:

1. A 9'4" x 8'11" dredged boat slip with retaining walls was constructed without a permit southwesterly of the permitted 4'x 20' permitted pier on the Property within 17' of the abutting property.

In response, you are requested to take the following actions by November 31, 2004:

1. Within 30 days of receipt of this Letter of Deficiency, submit a full dimensioned or drawn to scale restoration plan prepared by a qualified engineer to DES for review and approval, including:
 - a. The identification of existing conditions, normal high water mark, and top of bank.
 - b. The complete removal of the retaining walls surrounding the dredged out slip.
 - c. The regrading to the disturbed bank to greater than or equal to 25% to sustain minimum bank erosion.
 - d. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area until stabilization is sustained.
 - e. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species.
2. Implement the restoration plan only after receiving written approval and as conditioned by DES.
3. Submit photos of the restored frontage.

RSA 483-B, the New Hampshire Comprehensive Shoreland Protection Act, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1409 establish minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.


Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Darlene Forst, Shoreland Program Supervisor
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,



Darlene Forst
Shoreland Program Supervisor
Wetlands Bureau

CERTIFIED MAIL 7003 2260 0005 9209 9505

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit
Moultonborough Conservation Commission
Moultonborough Board of Selectmen
USACOE